

HOUSE STANDING COMMITTEE ON NATURAL RESOURCES, GREAT LAKES, LAND USE, AND ENVIRONMENT

Thursday, September 15, 2005

9:00 a.m.

Room 519 House Office Building

Representative Palsrok, Chair, called the meeting to order.

MEMBERS PRESENT: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Byrnes, Kathleen Law and Donigan.

Representative Gillard moved to excuse absent members.

Representative Byrnes supported the motion.

There being no objection, the motion prevailed by unanimous consent.

MEMBERS ABSENT/EXCUSED: Representatives Miller and Bennett.

Representative Meyer moved to approve the minutes of the August 31, 2005 meeting.

Representative Gillard supported the motion.

There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5176, HB 5177, and HB 5178 before the committee.

HB 5176 Acciavatti	Environmental protection; solid waste; foreign municipal solid waste; prohibit disposal of.
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HB 5177 Pavlov	Environmental protection; solid waste; foreign municipal solid waste; provide penalty for violation of disposal prohibition.
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HB 5178 Palsrok	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of importing solid waste from a foreign country; enact.
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Representatives Pavlov and Acciavatti testified in support of bills. Questions and discussion followed.

Carol Linteau and Frank Ruswick, representing the Michigan Department of Environmental Quality, testified in support of the bills.

Tom Frazier, representing the Michigan Townships Association, submitted a card in support of the concept of the bills, but did not wish to speak.

Cyndi Roper, representing Clean Water Action, testified in opposition to the bills.

Brad Garmon, representing the Michigan Environmental Council, testified in opposition to the bills.*

Representative Pavlov assumed the Chair.

Gary Carey, representing the City of Rockwood, testified in support of the bills.

Representative Palsrok resumed the Chair.

Stephanie Glysson, representing Republic Waste, submitted a card in opposition to the bills, but did not wish to speak.

Dan Butts, representing the Michigan Waste Industries Association, submitted a card in opposition to the bills, but did not wish to speak.

Representative Pavlov offered the following amendment to HB 5176:

1. Amend page 1, line 7, after "**LANDFILL**" by inserting "**OR INCINERATOR**".

Representative Pavlov moved to adopt the amendment.

Representative Meyer supported the motion.

The motion prevailed by a vote of 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Byrnes, Kathleen Law and Donigan,

Nays: None,

Pass: None.

Representative Byrnes offered the following amendment to HB 5176:

1. Amend page 1, line 1, by striking out the balance of the bill and inserting:
"SEC. 11526E. (1) IF CONGRESS ENACTS LEGISLATION AUTHORIZING A STATE TO PROHIBIT THE DISPOSAL IN THAT STATE OF SOLID WASTE FROM ANOTHER STATE OR SOLID WASTE FROM ANOTHER COUNTRY, OR BOTH, THEN A PERSON SHALL NOT DISPOSE OF SUCH SOLID WASTE IN THIS STATE AND A DISPOSAL AREA SHALL NOT ACCEPT SUCH SOLID WASTE FOR DISPOSAL.

(2) IF CONGRESS ENACTS LEGISLATION AUTHORIZING A STATE TO

LIMIT, RESTRICT, OR OTHERWISE REGULATE THE DISPOSAL IN THAT STATE OF SOLID WASTE FROM ANOTHER STATE OR SOLID WASTE FROM ANOTHER COUNTRY, OR BOTH, THE DEPARTMENT SHALL, WITHIN 6 MONTHS, PROMULGATE RULES THAT WOULD RESULT IN THE GREATEST POSSIBLE REDUCTION IN THE VOLUME OF SUCH SOLID WASTE BEING DISPOSED OF IN THIS STATE CONSISTENT WITH THE FEDERAL LEGISLATION."

Representative Byrnes moved to adopt the amendment.

Representative Gillard supported the motion.

The motion did not prevail by a vote of 4-8-1.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Gillard, Byrnes, Kathleen Law and Donigan,

Nays: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer and Pearce,

Pass: Representative Moore.

Representative Gillard offered the following amendment to HB 5176:

1. Amend page 2, following line 8, by inserting:

"(4) SUBJECT TO SUBSECTION (6), A PERSON SHALL NOT DELIVER FOR DISPOSAL, IN A LANDFILL OR INCINERATOR IN THIS STATE, LIQUID HAZARDOUS WASTE, AS DEFINED IN SECTION 11103, THAT WAS GENERATED OUTSIDE OF THE UNITED STATES.

(5) SUBJECT TO SUBSECTION (6), THE OWNER OR OPERATOR OF A LANDFILL OR INCINERATOR IN THIS STATE SHALL NOT ACCEPT FOR DISPOSAL LIQUID HAZARDOUS WASTE, AS DEFINED IN SECTION 11103, THAT WAS GENERATED OUTSIDE OF THE UNITED STATES.

(6) SUBSECTIONS (4) AND (5) APPLY NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART. HOWEVER, SUBSECTIONS (4) AND (5) DO NOT APPLY UNLESS CONGRESS ENACTS LEGISLATION UNDER CLAUSE 3 OF SECTION 8 OF ARTICLE I OF THE CONSTITUTION OF THE UNITED STATES AUTHORIZING SUCH PROHIBITIONS. SUBSECTIONS (4) AND (5) DO NOT APPLY UNTIL 90 DAYS AFTER THE EFFECTIVE DATE OF SUCH FEDERAL LEGISLATION OR 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, WHICHEVER IS LATER."

Representative Gillard moved to adopt the amendment.

Representative Kathleen Law supported the motion.

The motion did not prevail by a vote of 4-8-1.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Gillard, Byrnes, Kathleen Law and Donigan,
Nays: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer and Pearce,
Pass: Representative Moore.

Representative Kathleen Law offered the following amendment to HB 5176:

1. Amend page 2, following line 8, by inserting:
"(4) SUBJECT TO SUBSECTION (6), A PERSON SHALL NOT DELIVER FOR DISPOSAL, IN A LANDFILL OR INCINERATOR IN THIS STATE, SEWAGE SLUDGE, AS DEFINED IN SECTION 3101, THAT WAS GENERATED OUTSIDE OF THE UNITED STATES.
(5) SUBJECT TO SUBSECTION (6), THE OWNER OR OPERATOR OF A LANDFILL OR INCINERATOR IN THIS STATE SHALL NOT ACCEPT FOR DISPOSAL SEWAGE SLUDGE, AS DEFINED IN SECTION 3101, THAT WAS GENERATED OUTSIDE OF THE UNITED STATES.
(6) SUBSECTIONS (4) AND (5) APPLY NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART. HOWEVER, SUBSECTIONS (4) AND (5) DO NOT APPLY UNLESS CONGRESS ENACTS LEGISLATION UNDER CLAUSE 3 OF SECTION 8 OF ARTICLE I OF THE CONSTITUTION OF THE UNITED STATES AUTHORIZING SUCH PROHIBITIONS. SUBSECTIONS (4) AND (5) DO NOT APPLY UNTIL 90 DAYS AFTER THE EFFECTIVE DATE OF SUCH FEDERAL LEGISLATION OR 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, WHICHEVER IS LATER."

Representative Kathleen Law moved to adopt the amendment.

Representative Gillard supported the motion.

The motion did not prevail by a vote of 4-8-1.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Gillard, Byrnes, Kathleen Law and Donigan,
Nays: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer and Pearce,
Pass: Representative Moore.

Representative Pearce moved to report out HB 5176 as substitute (H-1) with recommendation.

Representative Pavlov supported the motion.

The motion prevailed by a vote of 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Byrnes, Kathleen Law and Donigan,

Nays: None,
Pass: None.

HB 5176 (H-1) reported out with recommendation.

Representative Pearce moved to report out HB 5177 with recommendation.

Representative LaJoy supported the motion.

The motion prevailed by a vote of 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Byrnes, Kathleen Law and Donigan,

Nays: None,
Pass: None.

HB 5177 reported out with recommendation.

Representative Pearce moved to report out HB 5178 with recommendation.

Representative Pavlov supported the motion.

The motion prevailed by a vote of 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Byrnes, Kathleen Law and Donigan,

Nays: None,
Pass: None.

HB 5178 reported out with recommendation.

With no further business to come before the committee, the Chair adjourned the meeting, the time being 10:15 a.m.

Representative Palsrok, Chair

Ben Cook
Committee Clerk
September 15, 2005
1 hour 15 minutes

Date Approved and Signed

* indicates printed materials attached to report out file.